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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,009	01/21/2004	Carl A. Morrell	RPS920030165US1	4525
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SAWYER LAW GROUP LLP PO BOX 51418 PALO ALTO, CA 94303			EXAMINER SCARBERRY, KEVIN D	
			ART UNIT 2114	PAPER NUMBER
			NOTIFICATION DATE 11/20/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/762,009	Applicant(s) MORRELL ET AL.	
	Examiner Kevin D. Scarbery	Art Unit 2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-21 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-11, 13, and 14 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. This Office Action is in response to the Amendment received 16 October 2007.

Double Patenting

2. Claim 12 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 21. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1–4, 7–10, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al. (United States Patent 6,832,344 B2) hereafter referred to as Lin '344 in view of Applicant's Admitted Prior Art, hereafter referred to as AAPA.
5. Regarding claim 1, Lin '344 discloses a method for monitoring audible tones indicative of operational status of each planar in a chassis, the method comprising:
monitoring a speaker channel of the planar in a chassis for state changes of beep tones ("A first recorder (queue) 21 is used for recording the at least one signal transmitted from the hardware monitor 20," see col. 3, Lines 29–34); and
identifying an operational status of the planar emitting the beep tones ("sound of

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beep,” see Fig. 2) based on the state changes (“The at least one signal is accessed by a controller 23. The corresponding sound data are accessed by the controller 23 according to the accessed signal. The corresponding sound data are transmitted from the controller 23 to the speech circuit 22, and then the sound signal is transmitted to report the precise problem in the computer,” see col. 3, Lines 40–45).

Lin discloses the method except for wherein the planar is a part of a plurality of planars in a common chassis.

However, AAPA teaches multiple independent planars residing in a common chassis (see p. 1, line 13 to p. 2, line 1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of Lin with the multiple planar apparatus of AAPA in order to take advantage of the increased densities of a blade-type system.

6. As to claim 2, Lin ‘344 also discloses the method of claim 1 wherein the step of monitoring further comprises monitoring with a microcontroller (controller 23, see Figure 2) on each planar.

7. As to claim 3, Lin ‘344 also discloses the method of claim 1 wherein the beep tones further comprise beep tones during a power on self test (POST) routine (the “sounds of beep” emanating from the BIOS, which are understood to refer to a computer’s POST test, see col. 1, Lines 11–28).

8. As to claim 4, Lin ‘344 also discloses the method of claim 1 further comprising utilizing a timer to detect a duration of the beep tones (to differentiate “the different

types and different frequency of sound,” of the beep codes, a timer inherently must be used to detect their duration, see col. 1, Lines 23–27).

9. As to claim 7, Lin ‘344 also discloses the method of claim 1 wherein the state changes further comprise off-to-on and on-to-off transitions of the beep tones (to differentiate “the different types and different frequency of sound,” of the beep codes, the off-to-on and on-to-off transitions must be identified, see col. 1, Lines 23–27).

10. Regarding claim 8, Lin ‘344 discloses a system for monitoring audible tones indicative of operational status of a planar in a chassis, the system comprising:

- a chassis; and

- a planar contained within the chassis, the planar including a speaker output that emits beep tones and each planar monitoring the beep tones for state changes (“A first recorder (queue) 21 is used for recording the at least one signal transmitted from the hardware monitor 20,” see col. 3, Lines 29–34), wherein an operational status of the planar based on the state changes is identified (“The at least one signal is accessed by a controller 23. The corresponding sound data are accessed by the controller 23 according to the accessed signal. The corresponding sound data are transmitted from the controller 23 to the speech circuit 22, and then the sound signal is transmitted to report the precise problem in the computer,” see col. 3, Lines 40–45).

Lin discloses the method except for wherein the planar is a part of a plurality of planars in a common chassis.

However, AAPA teaches multiple independent planars residing in a common chassis (see p. 1, line 13 to p. 2, line 1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of Lin with the multiple planar apparatus of AAPA in order to take advantage of the increased densities of a blade-type system.

11. As to claim 9, Lin '344 also discloses the system of claim 8 wherein each planar further comprises a management microcontroller for monitoring the speaker output (controller 23, see Figure 2).

12. As to claim 10, Lin '344 also discloses the system of claim 9 wherein the management microcontroller utilizes a timer to detect a duration of the beep tones (to differentiate "the different types and different frequency of sound," of the beep codes, a timer inherently must be used to detect their duration, see col. 1, Lines 23–27).

13. As to claim 13, Lin '344 also discloses the system of claim 8 wherein the state changes further comprise off-to-on and on-to-off transitions of the beep tones (to differentiate "the different types and different frequency of sound," of the beep codes, the off-to-on and on-to-off transitions must be identified, see col. 1, Lines 23–27).

14. As to claim 14, Lin '344 also discloses the system of claim 8 wherein the beep tones further comprise beep tones during a POST routine (the "sounds of beep" emanating from the BIOS, which are understood to refer to a computer's POST test, see col. 1, Lines 11–28).

15. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al. (United States Patent 6,832,344 B2) hereafter referred to as Lin '344 in view of

Applicant's Admitted Prior Art, hereafter referred to as AAPA, further in view of Examiner taking Official Notice.

16. As to claim 11, Lin '344 discloses the system of claim 8 except comprising a chassis management module within the chassis and coupled to each planar.

However, it is well known that a chassis management module within a chassis may be coupled to each planar.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Lin/AAPA system with a chassis management module in order to allow for the configuration of the chassis and individual blades.

Response to Argument

17. Applicant's arguments have been fully considered but they are not persuasive.

18. In response to the argument that Lin '344 does not teach or suggest "monitoring...for state changes of beep tones, it is argued that whether the information coming from hardware monitor 20 is analog output to a speaker being captured after a DAC and sound hardware or digital output, some form of state changes inherently must be present in order to convey the POST "sound of beep" information to the first recorder so that Lin '344's system may then convert it into speech.

19. As to "identifying an operational status of a specific planar emitting the beep tones based on the state changes," Lin '344's system is directed towards converting POST beep codes into speech, exactly identifying the operational status of the hardware it is attached.

Allowable Subject Matter

20. Claims 15–21 are allowed.

21. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin D. Scarbery whose telephone number is (571) 270-1625. The examiner can normally be reached Monday–Thursday from 7:30 AM to 6:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached at (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call (800) 786-9199 (IN USA OR CANADA) or (571) 272-1000.

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SUPERVISORY PATENT EXAMINER